

December 28, 2017

Mr. Dan Dallas, Forest Supervisor
Rio Grande National Forest
1803 W. Highway 160
Monte Vista, CO 81144

Dear Mr. Dallas:

The Colorado Department of Agriculture (CDA) submits the following comments regarding the Rio Grande National Forest Draft Revised Land Management Plan (LMP) and Draft Environmental Impact Statement (DEIS).

CDA's mission is to strengthen and advance Colorado agriculture; promote a safe and high-quality food supply; protect consumers; and foster responsible stewardship of the environment and natural resources. It is with this mission in mind that we focus our comments on aspects of the LMP and DEIS related to the range livestock industry and natural resources within the analysis area. CDA supports sustainably managed livestock grazing as a congressionally mandated use of federal lands that is vital to the ranching industry and beneficial to wildlife and associated natural resources. Our comments are organized to provide a discussion of the action alternatives and analysis presented in the DEIS followed by concerns with specific components of the LMP.

CDA supports management of National Forest System (NFS) lands under the principles of multiple-use and sustained-yield as congressionally mandated by the Multiple-Use and Sustained-Yield Act of 1960¹ and further codified by the National Forest Management Act of 1976² (NFMA). NFMA provides clear direction regarding the equality of multiple uses, *"...provide for multiple use and sustained yield of the products and services obtained therefrom in accordance with the Multiple-Use Sustained-Yield Act of 1960, and in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness...."*³ Coordinate is defined as equal in rank, quality, or significance.⁴ Through NFMA it is clear Congress intended that NFS planning coordinate and consider each of the listed multiple uses equally.

¹ 16 USC §528-531

² 16 USC §1601-1614

³ 16 USC §1604(e)(1)

⁴ <http://www.merriam-webster.com/dictionary/coordinate>



The DEIS states on page 25 that, “*Alternative B continues to provide focus on sustainable outdoor recreation as a primary resource on the forest.*” This single-resource priority is inconsistent with applicable law regarding management of NFS lands and should be removed from the proposed action. This type of management approach across the forest would also limit management flexibility.

The document indicates that an adaptive management process is addressed in all of the action alternatives. CDA supports incorporating adaptive management strategies into the revised LMP. Essential to the adaptive management process is flexibility or authority to alter management prescriptions in response to success or failure in achieving resource objectives under current management scenarios. In order for adaptive management to be successfully implemented, a robust monitoring program must be in place with proper condition and trend indicators and adequate resources to collect the data necessary to evaluate and adjust management direction.

Under Revision Topic 3: Management Area Complexity, the DEIS states on page 18, “*A need to revise and update management area designation and plan direction to minimize complexity....*” This need arises from the current situation of 17 different types of management areas on the forest. Proposed management areas for each of the action alternatives are 14 for Alternative B, 8 for Alternative C, and 16 for Alternative D. The larger units of land under Alternative C would provide more flexibility in implementation of the LMP by allowing habitat and areas to be mapped dependent on actual presence versus providing a static management area boundary. This approach would be more conducive to applying the adaptive management process to forest management.

As an example, Alternatives B and D designate Big Game Winter Range Management Areas; whereas, Alternative C incorporates the same areas and management direction into the General Forest and Intermingled Rangelands Management Area. This less complex management area designation structure provides managers with flexibility to apply the appropriate management direction to actual habitat determined by data rather than between static lines on a map.

Another source of complexity that results from excessive management area designations is overlapping areas with differing objectives or restrictions that are not compatible. Overlapping management areas create unneeded complexity that overcomplicates land management with no benefit to resource objectives. Overlapping levels of management would occur under Alternatives B and D. It is understood that the most constraining management would be applied in areas of overlap, but the convolution created by this is unnecessary and without benefit. The management area structure in Alternative C provides the greatest level of flexibility and is the only alternative that adequately addresses concerns about complexity under Revision Topic 3.

The DEIS indicates that there are no meaningful differences between the alternatives with respect to acres determined to be suitable for livestock grazing, permitted animal unit months of forage, or plan direction to ensure that grazing is properly managed. The analysis reflects that impacts of livestock grazing would be similar under all alternatives but in many instances fails to distinguish between the effects of unmanaged grazing versus properly managed grazing. When not properly managed over the long-term, grazing can have negative impacts to the sustainability

of rangeland resources; however, when managed properly grazing can provide ecological benefits compared to no grazing. Considering the prevalence of negative misconceptions regarding livestock grazing on federal lands, it is essential that the final EIS and LMP include relevant science regarding positive impacts that properly managed livestock grazing can have on ecological conditions.

Research has shown that in arid and semiarid areas, grazing at use levels below 40 percent can have positive impacts to forage plants compared to exclusion of grazing.⁵ Research conducted in western Colorado in mountain big sagebrush communities found no significant effects from 40-50 years of grazing exclusion on cover or frequency of grasses, biotic crusts, or bare soil and that grazing exclusion decreased above ground net primary production and biodiversity.⁶ In a synthesis of scientific literature on long-term rest in the sagebrush steppe, Davies et al.⁷ found that long-term rest and properly managed grazing produced few significant differences, and in some situations, negative ecological effects from long-term rest.

In addition to the positive ecological effects of properly managed livestock grazing, maintaining viable ranching operations that include both NFS and private land helps to preserve more expansive and unfragmented landscapes that benefit wildlife.⁸ Loss of access to forage on NFS land negatively impacts the economic viability of ranching operations and could lead to conversion or development of private rangelands that would fragment wildlife habitat. There is a need for the planning effort to emphasize the positive impacts of properly managed livestock grazing to correct misinformed public opinions about livestock grazing.

On page 227, the DEIS indicates there were approximately 11,700 domestic sheep permitted to graze on 26 allotments on the forest in 2010, and since that time at least 13 have been vacated due to allotment level risk assessments of potential interaction between bighorn and domestic sheep. Current permitted domestic sheep numbers on the forest are estimated between 5,000 and 6,000 head. Under current and proposed management direction this trend is likely to continue. The DEIS fails to adequately analyze past and future impacts to the domestic sheep industry.

Management direction “...to ensure separation of domestic sheep and pack goats from bighorn sheep.” (page 11, DEIS) was identified as a need for change following public comment and interdisciplinary team review of the assessments. A July 31, 2014, letter from Deputy Chief for National Forest System, Leslie Weldon clarified the importance of balancing multiple-use demands with management practices to support viable populations of bighorn sheep and a healthy domestic sheep industry. It further directed managers to minimize bighorn and domestic

⁵ Holechek, J.L., T.T. Baker, J. C. Boren, and D. Galt. 2006. Grazing Impacts on Rangeland Vegetation: What We Have Learned. *Rangelands* 28:7-13.

⁶ Manier, D.J. and N. T. Hobbs. 2006. Large herbivores influence the composition and diversity of shrub-steppe communities in the Rocky Mountains, USA. *Oecologia* 146: 641. doi:10.1007/s00442-005-0065-9

⁷ Davies, K.W., M. Vavra, B. Schultz, and N. Rimbey. 2014. Implications of longer term rest from grazing in the sagebrush steppe. *Journal of Rangeland Applications* 1:14-34.

⁸ Maestas, J. D., R.L. Knight, & W.C. Gilgert. 2003. Biodiversity across a rural land-use gradient. *Conservation Biology* 17(5):1425-1434. doi:10.1046/j.1523-1739.2003.02371.x

sheep interactions and that best management practices should be effective in supporting both uses. Ensuring separation and minimizing interactions are two very different objectives.

Viability of bighorn sheep populations should be assessed across entire landscapes (e.g. forest or regional) not at the allotment or even group of allotments level. The August 19, 2011, letter from Deputy Chief for National Forest System, Joel Holtrop stated, “*Where viability assessments indicate a high likelihood of disease transmission and a resulting risk to bighorn sheep population viability across the forest, the goal of...separation...is the most prudent action....*” This is a two part evaluation, both a high likelihood of transmission and a high risk to viability across the entire forest must be demonstrated before actions to achieve separation are deemed prudent.

How does the Forest Service determine the viability of bighorn sheep across the forest? Current status of bighorn sheep populations on the forest are provided in Table 55, page 234 of the DEIS. Of the 2016 estimated 1,095 bighorn sheep on the forest, 715 or 65% of the population are considered secure from disease. Additionally, all Tier 1 herds on the forest are considered secure.

The LMP, as written, does not comply with legal mandates regarding multiple-use and Forest Service direction regarding management of risk associated with bighorn and domestic sheep interactions. The LMP must define what constitutes bighorn sheep viability across the forest. Further, there is need for management direction in the LMP to balance management actions that address bighorn and domestic sheep to ensure that both uses are supported and the remaining segment of the domestic sheep industry is not eliminated from the forest.

This section of our comments addresses specific desired conditions, objectives, standards, guidelines, and management approaches listed in the draft LMP.

G-RMZ-3: Grazing, grazing infrastructure, and other activities in the riparian management zone should prevent or minimize the introduction and spread of cowbirds in riparian willow systems. (p. 15)

Is nest parasitization by cowbirds a current threat to any bird species in the forest? If so, how widespread is the threat? This was not discussed in the DEIS. CDA is concerned that this forestwide guideline could be used to restrict livestock grazing in the riparian management zone with no demonstrated need.

DC-SCC-2: Habitat diversity along reaches or sections of perennial stream includes tall, undisturbed grass cover, and large, woody riparian complexes. Livestock access is limited in these areas...habitat refugia are available for small mammals...” (p.18)

A desired condition of undisturbed grass cover is unrealistic. Even with limitation or removal of livestock, native wildlife would continue to disturb grassland cover. CDA recommends removing the word “undisturbed” and changing “limited” to “managed” in regards to livestock access.

S-SCC-1: Avoid disturbance to species of conservation concern that might result in a loss of population viability.” (p.19)

This standard is too broad and removes any requirement to demonstrate causality or significance before imposing restrictions on an activity that causes disturbance. Any disturbance “might” be considered a threat to species viability. CDA recommends changing “might” to “would”.

S-TEPC-1: Management actions shall maintain or improve habitat conditions for all at-risk species, contributing to the stability and/or recovery of these species. (p.24)

This is an unachievable standard. All at-risk species do not require the same habitat conditions. Management actions that are beneficial to one species may be detrimental to another. CDA recommends removal of this standard.

DC-WLDF-13: Implement management to restore and improve habitat quality on important bighorn sheep lambing areas, winter concentration areas, migratory routes, and movement areas to reduce the potential for disease transmission from domestic sheep. (p.26)

What bighorn sheep habitat characteristics are in need of restoration and improvement? How will habitat restoration reduce the potential for disease transmission? The need for habitat restoration and improvement are unrelated to disease transmission. Quality winter habitat for bighorn sheep is already addressed by DC-WLDF-4. CDA recommends deleting DC-WLDF-13 and expanding the scope of DC-WLDF-4 so that it is not limited to winter habitat (delete “on mapped winter range” from the end of the sentence).

S-WLDF-10: Maintain effective separation to minimize the risk of disease transmission between domestic sheep and bighorn sheep on active grazing allotments. Effective separation is defined as spatial or temporal separation between bighorn sheep and domestic sheep, resulting in minimal risk of contact and subsequent transmission of respiratory pathogens between animal groups. (p.27)

Respiratory disease is not transferred between the animal groups. Pathogens can be transferred, though respiratory pathogens are likely endemic in many of the bighorn and domestic sheep herds. As stated above, Forest Service direction states that management be effective in supporting both uses. Standards in the LMP must have the flexibility that allows managers to provide for both uses. Elimination of risk of interaction is not a realistic goal. Minimizing the potential for interaction through best management practices should be the objective. CDA proposes the following wording:

“Manage for effective separation between bighorn sheep and domestic sheep to minimize the risk of interaction between animal groups. Effective separation is defined as spatial, temporal, or anthropogenic (i.e. herd management) separation that minimizes the potential for interaction between bighorn sheep and domestic sheep.”

Management direction for nonnative invasive species and noxious weeds is provided on page 31 of LMP. More clarification is needed to be consistent with CDA’s Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act⁹ for List A and List B species, which describes specific management rules for each noxious weed species. Desired

⁹ 8 CCR 1206.2

conditions, objectives, guidelines and management approaches established for noxious weeds in the LMP should include significant, quantifiable reductions in population sizes, geographic extent, and impact of List A and List B noxious weed species on NFS lands. There should also be provisions to include the use of state-approved biological control agents as one of the tools available to manage noxious weeds and requirements for interagency coordination with CDA and county weed managers on noxious weed inventories, data sharing, technology transfer, treatment applications, and monitoring.

DC-RNG-3: Rangelands sustain biological diversity and ecological processes. (p.33)

Text in the LMP and DEIS discusses the importance of livestock grazing to the culture and economy of the analysis area. CDA request this be acknowledged by adding, “, and livestock grazing for the benefit of local communities.” to this desired condition.

G-RNG-1 directs managers to, “Develop site- and species-specific vegetation use and residue guidelines...”, and MA-RNG-1 further directs managers to, “...remove livestock from the grazing unit or allotment when further utilization on key areas will exceed allowable-use criteria....” (p.34)

LMP direction regarding forage utilization guidelines for livestock grazing should recognize that attainment of specific use levels is nearly impossible on a year over year basis due to the vagaries of climate. Researchers believe utilization levels should be a target across 5-10 year time periods, and there should be some tolerance for heavy grazing on a portion of a pasture (up to 30%).¹⁰ CDA requests that the LMP incorporate this guidance for implementation of forage utilization guidelines for livestock grazing.

G-RNG-5: Minimize controlled driving of permitted livestock in designated wilderness. (p.34)

Controlled driving of permitted livestock is a necessary management action that producers must do as necessary in response to changing conditions and to meet the terms and conditions of their grazing permit. Any restrictions on the use of this management tool would negatively impact allotment management. This guideline is inconsistent with Congressional guidelines and policies regarding grazing in National Forest Wilderness Areas. FSM 2323.22 includes, “*The legislative history of this language is very clear in its intent that livestock grazing, and activities and the necessary facilities to support a livestock grazing program, will be permitted to continue in National Forest wilderness areas, when such grazing was established prior to classification of an area as wilderness.*” CDA requests that this guideline be removed from the LMP.

MA-RNG-3 and MA-RNG-6 are duplicates. (p.34-35)

In summary, CDA supports science based natural resource management that maintains healthy watersheds and provides for multiple uses. Reduced complexity of area designations, minimized single-species management, more balanced management of bighorn and domestic sheep conflicts, and an overall focus on multiple-use management should be incorporated into the final Proposed Land Management Plan. This management direction would provide the flexibility

¹⁰ Holechek, J.L., and D. Galt. 2000. Grazing Intensity Guidelines. *Rangelands* 22(3): 11-14.

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needed to apply adaptive management in achieving the goals of watershed health, sustainable ecosystems, and social and economic contributions of the forest to surrounding communities.

Thank you for the opportunity to provide input on this important matter. Please continue to keep us informed about the Rio Grande National Forest Plan Revision so that we can remain engaged in this important process. Contact Mr. Les Owen at 303-869-9032 or les.owen@state.co.us for questions about these comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "Don Brown", with a large, stylized initial "D" and a long, sweeping horizontal line extending to the right.

Don Brown
Commissioner